



GIORDANO LAW OFFICES PLLC

February 2, 2015

VIA ECF

Honorable Ronnie Abrams
United States District Judge, S.D.N.Y.
40 Foley Square
New York, NY 10007

Re: Ortiz-Feliz v. City of New York, et al.,

14 cv 3579 (RA)

I write on behalf of Plaintiff in opposition to Defendant's request to adjourn the telephone conference scheduled for this Friday at 11:30 a.m. regarding Plaintiff's proposed motion to reopen this case, for an order requiring the City to immediately make payment of the settlement and for interest, costs and fees. Plaintiff provided all settlement documents to the City along with the request for a final lien sign off back in September 2014. Plaintiff should not have to suffer penalty if one of the City's agencies, HRA, neglects to process one of its forms. The point is Plaintiff submitted all necessary paperwork in our possession back at that time. Ms. Behler from my office spoke with representatives Ms. Canty on 12/19/14 and Ms. Ivy on 1/28/15 after we learned HRA lost our initial request and we resubmitted the request. Our office has been diligent in processing the settlement documents for this case, but we have been stymied once again by the City. Plaintiff, who telephones our office every day to inquire about his settlement, should not have to wait another 90 days.

Defense Counsel is mistaken when he suggests that Plaintiff only completed the settlement submissions in January and the 90 days "runs" from January 28. All paperwork was submitted to the City on September 22, 2014, which is the date from which the 90 day period would begin to run. Perhaps a phone call by Defense Counsel to the appropriate party at the Comptroller's Office would eliminate further need for discussion, motions and paperwork. In any event, Plaintiff opposes adjourning the conference.

Respectfully submitted,

Carmen S. Giordano